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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 486th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 25 September 1998, at 3 p.m.

Chairperson: Miss MASON

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Bolivia (CRC/C/65/Add.1; HRI/CORE/1/Add.54/Rev.1; written replies from the Government of Bolivia to the questions raised in the list of issues) (continued)

1. At the invitation of the Chairperson, the members of the delegation of Bolivia took places at the Committee table.

2. Mr. MONTAÑO PARDO (Bolivia), replying to a question asked by Mrs. Sardenberg, said that various organizations of civil society participated on the same footing as representatives of the Parliament and Government in the inter-institutional commission drafting the amendment to the Juvenile Code, called the "Children and Adolescents Code". The draft was to be considered by Parliament in October 1999. It was true that the Convention had not yet been widely publicized, but an attempt was being made to disseminate it orally in the most remote areas of the country, particularly by radio, in the three indigenous languages (Quechua, Aymara and Guaraní). An amount of $25,000 had been allocated to the protection of human rights throughout the country, five human rights offices had been opened in zones of conflict and three others would be opened shortly. Each was composed mainly of a doctor, who told the rural inhabitants about the advantages of proper hygiene and nutrition, and a lawyer, who was responsible for informing the people of their rights, particularly within the framework of the so-called INRA Act, which was intended to establish the legal foundations for the reorganization of the use of agricultural land and to devise a strategy for the productive transformation of agriculture. Each office also had an assistant and a driver.

3. The coca leaf was cultivated legally on 12,000 hectares only. Bolivia had ratified several conventions (Single Convention on Narcotic Drugs (1961), Convention on Psychotropic Substances (1971) and Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988)) prohibiting the cultivation of coca. Conflicts had erupted in that regard in the traditional coca-growing zones such as Chaparé, where growers had not received the promised compensation. There were many complaints about violations of human rights and excesses perpetrated by the special police forces against peasant coca-leaf producers. Children suffered, of course, from such conflicts. Unfortunately, the peasants, who were frequently poorly educated, had no choice but to cooperate with the drug cartels.

4. Replying to Mrs. Karp, he said that, while the provisions of the Convention were not reproduced literally in the new Juvenile Code, the Code did reflect its substance. He quoted articles 1, 2 and 6 of the Code in that regard. Article 6 granted protection to all children and adolescents living on Bolivian territory, without distinction as to race, nationality, colour, sex, language, religion, political opinion, social, economic or ethnic origin, etc.

5. The 1994 Popular Participation Act had made it possible to undertake an administrative decentralization of the country into municipalities responsible

for urban and rural development within their areas and for establishing the infrastructures for education, health, irrigation and local roads. The Act placed the responsibility for resource management on the prefecture in each of the nine departments. The principle of decentralization was a commendable one, but major efforts were still needed to make the mayors and other corrupt officials behave more responsibly and change their attitudes. The population in general, and children in particular, must be taught other values so that they could distinguish between good and evil. A series of seminars and study groups had been organized to improve public awareness of human rights, particularly the rights of the child. Human rights training courses were held within the framework of programmes for the armed forces and the police. Unfortunately, there were no plans as yet for professional training in human rights. Under the new bill, an office for the defence of children and adolescents would be established in each municipality, as part of the decentralized politico-administrative structure. That office would be responsible for sensitizing civil society to the problems of children and of protecting them under the law.

6. The General Labour Act prohibited minors under the age of 14 from working. It was nonetheless not unusual for nine-year-old children to work. Such a situation was inevitable in a developing country. Generally speaking, of every 5 members of the same family, 2.6 were compelled to work. The legal age of consent to marriage was 16 for men and 14 for women.

7. With respect to issues of civil liberties and rights, particularly the right to a name, he said that, under the Juvenile Code, in cases in which the identity of the parents was not known, the juvenile must be affiliated with conventional individual and family names, without that fact being specified. The Civil Code did not, however, contain that reservation with the result that the children of an unmarried mother who had not been legally recognized by their father risked lifelong suffering due to the lack of such a conventional name. Requests made by human rights organizations that the situation be remedied by also registering a conventional name in addition to the mother's family name had been systematically rejected. Discrimination did exist in Bolivia, although it was tending to lessen, and a person's name, which revealed his social or geographical origin, frequently gave rise to discrimination. With regard to the rehabilitation of child victims of sexual abuse, he said that, in Bolivia, the judge had a very limited role and legal action was very slow in that area. He hoped, however, that the system would soon develop.

8. As for the presence of doctors in rural areas, it was a fact that most doctors, who came from the cities or had studied in the cities, were reluctant to go and practice in the countryside. In principle, doctors had to spend their first year of practice in rural areas, but some of them succeeded in getting the obligation waived by paying a bribe. More should be done to encourage young doctors to move to the remote rural areas, even if the living conditions there were more difficult. As things stood, health care and child delivery were provided largely by paramedical personnel. As to breastfeeding, it was known to be invaluable, both for the mother-child relationship and for the nutritional value of the milk, and it was once again being promoted in cities and the countryside alike.

9. With regard to cooperation with the international institutions, Bolivia was involved in several projects with the United Nations Children's Fund (UNICEF) and, to a lesser extent, with the World Health Organization (WHO). It would like to cooperate more closely with WHO, particularly on vaccination campaigns in the rural areas. The World Bank had granted a US$ 6 million loan for programmes to lower the mortality rate and improve the health of women and children under five. Public health programmes included the provision of iodine, fluoride and vitamin A supplements.

10. Measures to combat discrimination in health and education were supported by popular participation and the activity of many non-governmental organizations (NGOs). Co-education was gaining ground in the schools. A school programme for child workers aged 7 to 12 had been set up with the help of 15 NGOs in four large cities located along the main highway. Steps had also been taken to prevent street children, pregnant teenagers and children born out of wedlock from suffering discrimination. School policy was that of universal schooling, and took into account the diversity of the pupils and children with special needs. In the indigenous communities, instruction was first provided in the vernacular languages and later in Spanish, so as to ensure that the children both learned as well as possible and were integrated as well as possible. To combat discrimination against women, a law had established a quota of 30 per cent of women on all lists of candidates for elective office. Admittedly, things were not perfect, especially in the more remote areas, but it was fair to say that the status of women was gradually improving. For example, more and more women could quickly obtain micro-credit, or low-interest loans, upon presentation of a title deed. The Bolivian authorities' means of action were undoubtedly impeded by the fact that 20 per cent of the national income was earmarked for debt repayment. The creditor countries should forgive some of the debt so that debtor countries could achieve a balanced economic development.

11. However that might be, the authorities had taken into account the remarks made by the Committee in its concluding observations on the initial report of Bolivia (CRC/C/15/Add.1). Following up the observations contained in paragraph 5, they were paying greater attention to the needs of children in the long-term considerations to be taken into account in the structural adjustment measures and were making special efforts to improve the situation of children living in the rural areas. With regard to paragraph 6 of the concluding observations, in which the Committee noted that the new Juvenile Code had been adopted only recently, and that there had not been enough time to evaluate its effectiveness, he said that the Code had proved to be both incomplete and inadequate and that, since 1994, an inter-institutional commission had been drafting the new "Children and Adolescents Code", which adhered more closely to the principles of the Convention and in which the child was a true subject of law.

12. In paragraph 7 of its concluding observations, the Committee expressed its concern at the high social costs of the stringent budgetary measures that had been adopted. While the liberal system established in 1985 had produced some favourable economic results, it had not yet benefited all segments of society and it had had a particularly adverse impact on the most disadvantaged segments of the population.

13. With regard to the comprehensive strategy for implementing the Convention and the role of NGOs (para. 7 of the concluding observations), funds had been allocated for the translation of the Convention into the indigenous languages and its distribution. Reports and information on the rights enshrined in the Convention were broadcast on radio and television. Various steps had been taken to enhance the training of law enforcement personnel on the rights of the child. Judges were kept informed through publications and seminars of new trends in the application of the law. For the second consecutive year, in cooperation with UNICEF, a Children's Rights Week had been organized in the schools. Political leaders had met journalists and teachers, children had participated in a number of events, and conferences and video cassettes had been presented on the rights of the child. NGOs also played an active role in that regard.

14. In paragraph 8 of its concluding observations, the Committee expressed its concern that the definition of the child contained in the Juvenile Code did not comply with the requirements of article 1 of the Convention. While he did not think that the definition of the child given in article 2 of the Code (all persons, from the moment of conception up to the age of 12, were considered to be children and all persons aged 12 to 18, adolescents) was all that different from the definition in the Convention, his Government would take the observation into account. With regard to paragraph 9 of the concluding observations, his Government had taken into account the remarks of the Committee, and the new legislation on minors would specifically provide that children should not be subject to any discrimination based on race, opinion, religion, sex, nationality or other grounds. Furthermore, the authorities were paying special attention and allocating specific resources to the protection of children. The Committee had found the lower legal age of marriage for girls to be discriminatory; but it was based on the belief that girls mature earlier than boys. Under Bolivian law, a girl could marry as from the age of 14 with her parents' consent.

15. The CHAIRPERSON, having remarked that a 14-year-old girl had not necessarily reached the age of puberty, Mrs. MBOI said that, even if girls had attained a certain biological maturity by the age of 14 (some of them could even become pregnant at the age of 11), they definitely did not possess the psychological aptitude to become parents. All the research carried out in psychology and paediatrics showed that 14-year-old girls were not fully mature, and that if they became mothers, the risks were great for both themselves and their children. Neither girls nor boys should be allowed to marry before the age of 18.

16. Mr. MONTAÑO PARDO (Bolivia) said that his Government would take those comments into account. In paragraph 10 of its concluding observations on the initial report, the Committee expressed its concern at the fact that only 47 per cent of births were supervised by qualified health-care workers. As he had previously said, it was difficult for the authorities to get doctors to practise in rural areas and that they were attempting to change attitudes, particularly through campaigns in the press. Infant mortality rates had declined considerably in recent years. On the other hand, the financing of social security was a problem.

17. The low school enrolment rate for indigenous children and children living in remote rural areas was due to the fact that parents preferred to put their children to work rather than to give them access to education and risk having them abandon or repudiate their families. One of the first measures adopted by his Government had been educational reform, which made education available to all whatever their incomes, but it was aware that any evolution of the situation would require a change in attitudes and that parents would have to realize that education was the basis for development. Four educational councils representing indigenous peoples had been set up in order to improve the situation of those peoples in terms of training and to strengthen bilingual education in the indigenous regions.

18. Concerning paragraph 11 of the Committee's concluding observations, it was true that the discriminatory practice of considering the "personality" of the child as a criterion for passing sentences constituted a shortcoming in the Criminal Code. However, a bill currently under consideration would protect children from arbitrary detention by allowing them to be released on bail. In addition, the bill forbade the arrest of all minors under 18, except for certain crimes (parricide, murder and rape). Where guilt had been admitted, the minor would be incarcerated in a special centre, where he would be kept apart from adults. The Government planned to invest $12 million in building such centres. Another project was also under consideration, to find an alternative for children living with their imprisoned parents by placing them with host families. Lastly, the Government was attempting to develop the social rehabilitation aspect of the penal system.

19. Mrs. MBOI asked what the State planned to do to prevent discrimination against children born out of wedlock, particularly when the father did not acknowledge paternity. As to maternal and infant mortality rates and the lack of qualified medical personnel, the country should make it a priority to train nurses rather than doctors, as it was easier to find nurses to work in remote areas. The Bolivian authorities should ask for technical assistance from WHO and UNICEF. On the subject of the exploitation of children, she wondered whether the State had devised a plan of action to implement the recommendations of the Stockholm World Congress against Commercial Sexual Exploitation of Children, taking particular account of the ill-treatment to which Bolivian children in detention were often subjected.

20. Mrs. SARDENBERG said she would like more information on Government's programmes to implement the general principles of the Convention and to resolve specific problems, particularly those affecting the most vulnerable groups, such as girls, indigenous people, people living in rural areas and the poor. As for foreign debt-servicing, which had become even more difficult than five years previously, she wondered what the outlook was for the future, particularly with regard to the World Bank programme on poor countries overburdened by debt, in which Bolivia was to participate. She asked whether there were any plans to introduce the rights of the child into school curricula as a separate subject. She welcomed Bolivia's ratification of ILO Convention No. 138 concerning the minimum age for admission to employment which had been recommended by the Committee. She regretted, however, that the number of working children was still high and wished to know whether any specific programmes had been introduced to remedy the situation and whether they were in keeping with the ILO rules. She also wanted information on the

specific programmes devised to deal with the related problems of street children, sexual exploitation and ill-treatment. Reverting to the legal minimum age of marriage for girls, 14 years, she recommended that, to combat that form of discrimination, an ambitious information and awareness-raising campaign should be launched to explain how the practice could be harmful to girls and was contrary to the provisions of the Convention.

21. Mr. RABAH said he would like some information on the steps taken to protect children against violence and pornography, with which the media were swarming, and why the number of stolen newborn babies was increasing.

22. Mrs. OUEDRAOGO, noting the high school drop-out, repeater and illiteracy rates as well as the mediocrity of services, particularly in rural areas, asked what progress had been made in that area. What had been done to keep children in the educational system, when the labour market was open to them at such an early age? As for the Memorandum of Understanding signed with ILO, given the reduction in the minimum age for admission to employment, to 12 years, what compromise had been found within the framework of cooperation with that organization? Were there any cultural or religious practices harmful to the health of children, and if so, what steps had been taken to eliminate them? She endorsed the comments by other members of the Committee on the sale, trafficking and abduction of children, as well as on the situation of the girl child.

23. Mrs. PALME drew the attention of the Bolivian Government to the problems arising in implementing the WHO and UNICEF recommendations on health. An example was the milk distributed as a food supplement for breastfeeding mothers which was, in fact, given to babies. Prudence was needed in evaluating the development of girls, as that development differed from one individual to another. She also wished to raise the issue of institutionalized children.

24. Mrs. MOKHUANE said, in connection with the well-being of children, she regretted that the concept of health risk arising from the economic exploitation of children was not taken into account and that nothing had been done in that regard. Given the large number of children suffering from serious mental illness, she called upon the Bolivian authorities to resort to international technical cooperation to deal with them in order to avoid limiting the country's future human resources.

25. Mrs. KARP, reverting to the question of early marriage, said that WHO studies had shown the risks arising from that traditional practice, as well as its direct impact on maternal and infant mortality rates and early pregnancy. It was a matter not only of a violation of the child's right to health but also of the violation of the child's dignity. She denounced the practice, which had its origin in a stereotyped form of thinking that took no account of the individual or of the interests of the child. The Bolivian Government should take steps both to make the minimum legal age of marriage for girls the same as that for boys and to combat the practice of early marriage in general.

26. As for early admission to employment she endorsed what had been said by the other members of the Committee and asked whether there was a system of

inspectors to see how many child workers actually attended the night classes established to offset the reduction in the minimum age of admission to employment, to protect these children and prevent drop-outs from schooling.

27. Mrs. PALME, referring to the high incidence of problems arising from iodine and vitamin A deficiencies among Bolivian children, said that they must be guaranteed a nutrition that was not only sufficient but also well balanced.

28. Mr. KOLOSOV said that, while he recognized the good intentions of the Bolivian Government, the Committee had recommended five years previously that it should take steps to protect the most vulnerable groups. In fact, the gap between rich and poor did not seem to have narrowed.

29. Mrs. MOKHUANE asked what was being done to de-mine the border between Chile and Bolivia, where many children ran a daily risk of mutilation. There was no compulsory minimum wage in Bolivia. The fact that employers and employees had to agree together on wages did not really protect children. If the Government continued to authorize child labour, it should at the very least set a minimum wage.

30. Mrs. KARP said she understood that steps had been taken within the framework of legal reform to compel the Government to take care of disabled children. In practice, however, there were neither programmes nor services, due to a lack of financial resources, and very few were taken care of. What plans were there to implement a real strategy and realize the Government's promises?

31. The CHAIRPERSON said that there was also the problem of children with HIV/AIDS and other sexually transmitted diseases, teenage pregnancies, and sexual exploitation and sexual abuse. The fact that there was no programme in those areas continued to be of concern to the Committee, along with a number of other questions the more so as there was no indication that the Government had done anything to provide a solution. She invited the members of the Committee to make their preliminary observations on the report under consideration.

32. Mrs. PALME said she was impressed by the work that Bolivia intended to do and which it had in part completed. It was, however, insufficient, even allowing for the difficulties posed by the recession, the economic situation and debt. Resources should be more specifically targeted to meet the needs of children. Among the rights of the child, more emphasis should be placed on survival and development. Bolivia should take account of the changing world of child labour and take an interest in the new strategy devised by UNICEF and WHO for the survival of the mother and the child, particularly the girl child. The thousands of landmines laid along the border between Chile and Bolivia were also of concern, as the children who were the victims of those mines needed costly artificial limbs that had to be changed every year.

33. Mrs. OUEDRAOGO commended Bolivia on its second periodic report, which illustrated the country's commitment to implementing the Convention despite its socio-economic difficulties and foreign debt burden. The members of the Committee had noted the progress made in implementing the Convention, but much remained to be done. Among the subjects of concern that had been mentioned

and, she hoped, would be taken into account were the marriage age, particularly for girls; the minimum age for admission to employment; improvement in the quality of school curricula and attendance; and other problems related to combating racial, socio-economic and even sexual discrimination in rural areas, as the Bolivian delegation itself had admitted. The police should improve its treatment of children in detention. Bolivia was apparently refusing to accept unaccompanied refugee children from certain countries. Members of the Committee hoped that the Government would find adequate solutions to the situation of children living in prison with their incarcerated parents, a situation which was extremely alarming. Those criticisms aside, she wished Bolivia every success in its implementation of the Convention.

34. Mrs. MBOI, noting that she herself came from a developing country, said she understood the difficulties faced by the State party. Children could not wait, however, and if only 28 per cent of newborn Bolivian babies were monitored by health workers, that meant that 72 per cent of them risked violation of their right to life, survival and development. It was well known that poverty entailed the risk of potential violation of the rights of the child, but it was also well known that it was possible to combat poverty. She welcomed the enactment of the new Children and Adolescents Code and hoped that its implementation would be successful, as would the plan to establish a post of Ombudsman. Like Mr. Kolosov, she called upon Bolivia to refer to the recommendations the Committee had made five years earlier on its initial report. When it presented its next periodic report, in the year 2003, further progress should have been made, and she asked the Government to consider requesting technical assistance whenever possible.

35. Mrs. SARDENBERG said that the Government had made considerable efforts, given the widespread poverty. Among the positive points of the report under consideration, she noted educational reform and a high degree of popular participation; decentralization; privatization; the National Mother and Child Insurance; the reform of the executive; Bolivia's willingness to accept the foreign debt rescheduling proposed by the World Bank; the creation of the Vice-Ministry of Human Rights; the appointment of an Ombudsman; the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and of ILO Convention No. 138; the pilot project undertaken with the Inter-American Development Bank on behalf of the workers; cooperation between NGOs and the Government in preparing the report; and cooperation with the Office of the High Commissioner for Human Rights in action carried out under the National Plan for Human Rights. On the other hand, the importance of the general principles of the Convention and the concerns aroused by the situation of the family, sexual exploitation, murders committed by the police ir prisons, child labour, disappeared children, street children, prostitution, and the state of the juvenile justice system must be recalled. The rights of the child should be placed on school curricula and the contents of the Committee's discussions on the report widely disseminated.

36. Mrs. MOKHUANE said she wished to stress the question of leisure, play and recreational activities. It seemed to have been forgotten that play was of crucial importance for children's moral, social and cognitive development and for their general well-being. Play also enabled them to learn negotiative skills and how to apply those skills to life in society: it was essential

that children should learn how to behave appropriately with one another. Her main concern was the fact that it was clear from the report that children began to work much too soon.

37. Mrs. KARP, having endorsed what Mrs. Sardenberg had said concerning the positive aspects of the Bolivian report, said it was important to get children to participate in the development of society. Improving the legal system was very important, and the fact that the Convention was explicitly mentioned in the Children and Adolescents Code was highly commendable but far from sufficient: what mattered was that the Convention should be applied in the daily life of the child. Policies must be turned into strategies, projects and specific services, and projects and programmes harmonized in order to implement the Convention properly. Bolivia should, perhaps, consider requesting technical assistance in that regard. However, the specific implementation of projects and programmes must go hand in hand with effective information of the public, and she had learned with interest what had been and was to be done by the Bolivian Government in that connection. Seminars should also be organized for the public officials and local authorities who were directly involved. There should be an ongoing training process to guide practitioners and enlighten them about specific problems that arose on a daily basis in activities related to the rights of the child, the principal concern being to make them aware of the human dignity of children. A campaign should be launched to eliminate ill-treatment, which was apparently quite widespread. The legislature should specifically condemn corporal punishment, in order to make the people understand that the practice was reprehensible, and adopt a punitive approach that also paid attention to rehabilitation of the victims. Children's participation was the driving force behind the Convention. Children should be involved in the popular participation of adults referred to by the delegation so as to encourage them to become true partners in society.

38. The CHAIRPERSON said that the many criticisms made did not mean that the members of the Committee had a negative impression of the work done on behalf of Bolivian children. The Committee hoped its observations would be taken into account in the legislative reform currently under way. However, while those reforms constituted a first step towards improving the situation, the general attitude of society was no less crucial. In that regard, the concept of the child as a subject of law should be stressed, and it should be more specifically applied to the punishment of sexual violence, domestic violence and corporal punishment, which seemed to be serious problems in Bolivia. The concluding observations to be adopted by the Committee in its private meeting and subsequently communicated to the Bolivian delegation should be widely disseminated in the State party.

39. Mr. MONTAÑO PARDO (Bolivia) said that the Committee's recommendations would be heeded. He regretted that, due to lack of time, he had been unable to give more complete explanations to those members of the Committee who had asked for them. To reply more succinctly to the last observations formulated, he pointed out, in connection with the need to respect the human dignity of children, that, after civil and political rights and economic, social and cultural rights, the rights of the child were a sort of third-generation right which would henceforth be the object of universal attention. His Government planned to ask UNICEF, WHO and other institutions for more technical assistance. The landmines in question had been laid by Chile, and that

constituted a form of aggression of which Bolivia had complained to the United Nations. It was not true that Bolivia did not receive any refugees: rather it had informed UNHCR that, while it did not allow most of the refugees living on its territory to take up employment, it did make them allowances so that they could live in dignity. Since the years 1994-1995 a number of policies had made Bolivia's development a comprehensive economic, social and cultural matter, which was of benefit to children. Sufficient income meant a good education and access to recreational and leisure activities. The child should learn to play with his playmates from an early age, which enabled him to show his potential. The aim was that the young person leaving school aged 16 or 17 should master certain social techniques thereby enabling him subsequently to be independent and to acquire valuable tools for exercising the occupation of his choice.

The meeting rose at 6 p.m.